

Attorney Docket 55434USA1A.002
U.S.S.N. 09/591,584

REMARKS/ARGUMENTS

In the Office Action dated July 16, 2003, claims 1-8, 13-18, 24-28, 31, 32, 34, 36, 38 and 40 were rejected under § 112, ¶ 2 as being indefinite; claims 1-5, 7-11, 13, 17-21, 24, 26, 31-34 and 36-40 were rejected under § 102(b) as being anticipated by U.S. Patent No. 5,118,540 to Hutchison; claims 24-27, 34 and 40 were rejected under § 103 as being unpatentable in view of U.S. Patent No. 6,143,387 to Kubler et al. in view of U.S. Patent No. 6,013,722 to Yang et al.; claims 6 and 12 were rejected under § 103(a) as being unpatentable over the '540 patent in view of U.S. Patent No. 5,677,050 to Bilkadi et al.; claims 14, 15, 22, 23, 25, 27 and 35 were rejected under § 103(a) as being unpatentable over the '540 patent in view of U.S. Patent No. 6,013,722 to Yang et al. The Office Action indicates that claims 16, 23, and 28-30 recite allowable subject matter.

With this paper claims 1 and 24 have been amended by replacing the limitation "hard coating" with the limitation "scratch-resistant layer." Accordingly, it is submitted that the § 112, ¶ 2 rejection has been overcome.

Claim 1 has been further amended to recite "a laminate attached to window glass." Independent claim 9 recites a glazing element comprising a laminate and window glass. Hutchison teaches that his reflective film 100 is used "in reflector element 210," see column 7, lines 11 and 12. Hutchison further teaches that the "reflector element 210 may comprise support structure 212, which may be either solid or framework, holding a surface 214 in a trough like shape," see column 7, lines 20-23. The '540 patent also teaches "the flexible reflective film may be incorporated into other types of lighting reflectors and solar energy applications, e.g., parabolic solar dish and heliostat applications," see column 7, lines 41-44. However, nowhere does Hutchison disclose, teach or suggest using his film in combination with window glass. Accordingly, Hutchison does not anticipate amended claim 1 and dependent claims 2-5, 7, 8, 13-18, 28, 31, 32, 36 and 38 or claim 9 and dependent claims 10, 11, 19-23, 29, 33, 35, 37 and 39.

The Bilkadi et al. patent has been applied in combination with the Hutchison patent with regard to claim 6. Bilkadi et al. teach a hard coating comprising a cured ceramer. While the Bilkadi et al. patent does disclose a retroreflective sheeting including a cured ceramer layer, nowhere does it suggest forming a laminate comprising at least two flexible nonadhesive

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polymeric material laminae and wherein the laminate has a thickness of at least about 5 mils, exhibits a light transmittance and is attached to window glass. Accordingly, Hutchison and Bilkadi et al., whether taken singly or in combination, do not disclose teach or suggest the subject matter set out in claim 6.

The Office Action states with regard to the rejection of claim 12 based on Hutchison in view of Bilkadi et al.:

The arguments that Hutchison does not teach or suggest a laminate comprising first, second and third polyester film layers in combination with a scratch-resistant layer with respect to claim 12 are not found persuasive. Example 5 shows a laminate having a construction in a following order: Polyester/polyester/adhesive/silver/adhesive/polyester. Example 7 shows a laminate having a construction in a following order: surface of solar energy/adhesive/polyester/polyester/adhesive/silver/adhesive/polyester. Example 8 shows a laminate having a construction in a following order: surface of solar energy/adhesive/polyester/polyester/adhesive/silver/adhesive/polyester/premask film. Hutchison does teach a laminate having three polyester layers in combination with a premask film.

Based on the last sentence in the paragraph set out above from the Office Action, the rejection of claim 12 is based on substituting the ceramer layer taught by Bilkadi et al. for the temporary premask film (see column 6, lines 17 and 18) disclosed in Hutchison. There is no suggestion or motivation in either reference to replace a temporary premask film, as disclosed by Hutchison, with a permanent, cured ceramer layer, as disclosed by Bilkadi et al. Accordingly, it is submitted that Hutchison and Bilkadi et al., whether taken singly or in combination, do not disclose, teach or suggest the subject matter of claim 12 and dependent claim 30.

Independent claim 24 has been amended to recite the following limitation:

wherein the total thickness of the laminate exceeds about 5 mils

Support for this amendment can be found in the specification on page 4, line 28. No new matter is involved.

It is noted that Kubler et al. disclose in Example 1, see column 7 of the '387 patent, that the laminate has a thickness of 31.6 microns (about 1.24 mils). It is believed that such a laminate

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is too thin to have sufficient strength to reduce spall and lacerative consequences on impact fracture of a window glass to which the laminate may be attached. In any event, Kubler et al. do not disclose, teach or suggest providing a laminate having a total thickness which exceeds about 5 mils. Yang et al. do not disclose, teach or suggest forming a laminate comprising at least two flexible nonadhesive polymeric material laminae and wherein the laminate has a thickness of at least about 5 mils and exhibits a light transmittance. For these reasons, it is submitted that Kubler et al. and Yang et al., whether taken singly or in combination, do not disclose, teach or suggest the subject matter set out in claims 24-27, 34, and 40.

It is submitted that this paper does not raise new issues. Claim 1 has been amended to recite that the laminate is attached to window glass. Claim 9, which is of a scope similar to that of claim 1, has already been considered. Hence, no additional burden would be placed on the Office to enter and consider the amendments to claim 1. Claim 24 has been amended to recite that the total thickness of the laminate exceeds about 5 mils. Similar amendments were made to claims 1, 9 and 12 in the previous Amendment. Again, no additional burden would be placed on the Office to enter and consider the amendments to claim 24. Hence, entry of this paper is respectfully requested.

It is also submitted that there are other limitations recited in the claims, in addition to those discussed above, which further distinguish the claimed invention patentably from the cited art and the other art of record. These additional distinguishing limitations will not be discussed because there is no need to do so at this time. Accordingly, it is submitted that all prior art rejections should be withdrawn and the case allowed.

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In view of the above remarks, applicant submits that claims 1-40 define patentably over the prior art. Early notification of allowable subject matter is respectfully requested.

Respectfully submitted,

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